

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FRED SPIKES,

Plaintiff,

V.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No.: 1:09CV2853

JUDGE SARA LIOI

Magistrate Judge George J. Limbert

REPORT AND RECOMMENDATION

On June 8, 2010, the undersigned issued an order noting that Plaintiff's brief on the merits in the above-captioned matter was due on or before April 15, 2010, and Plaintiff had not filed his brief. ECF Dkt. #13. The undersigned ordered Plaintiff to show cause on or before June 15, 2010 as to why the undersigned should not recommend that the Court dismiss the instant case for failing to comply with the December 18, 2009 scheduling order in this case (ECF Dkt. #6). As of today's date, Plaintiff has not filed a brief on the merits or showed cause for failing to do so. Accordingly, the undersigned **RECOMMENDS** that the Court dismiss the instant case.

Date: June 21, 2010

/s/ George J. Limbert
GEORGE J. LIMBERT
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of service of this notice. Fed. R. Civ. P. 72; L.R. 72.3. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. L.R. 72.3(b).